

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:00CR304
	)	
v.	)	
	)	
JAMISON MOORE ALFORD,	)	ORDER
	)	
Defendant.	)	
_____	)	

This matter is before the Court on defendant's motion for modification or reduction of his sentence pursuant to 18 U.S.C. § 3582(c)(2) (Filing NO. 95), and the motion of Shannon P. O'Connor and the Office of the Federal Public Defender for the District of Nebraska to withdraw (Filing No. 98).

The defendant seeks a modification or reduction of his sentence pursuant to the recent amendments to the crack cocaine guidelines in the United States Sentencing Guidelines. On June 20, 2001, the defendant entered a plea of guilty to Count I of a superseding indictment which charged defendant with conspiracy to possess with intent to distribute more than fifty (50) grams of cocaine base. As he acknowledged in his plea agreement dated June 19, 2001, he was exposed to a mandatory term of imprisonment of not less than ten (10) years.

On September 7, 2001, defendant was sentenced to a term of imprisonment of ten (10) years pursuant to a Rule 11(e)(1)(c) agreement setting his sentence at one hundred twenty (120)

months. Modifications to the United States Sentencing Guidelines reducing the offense levels for crack cocaine are unavailable to the defendant since the mandatory minimum term of imprisonment the Court imposed is ten years, regardless of the sentencing range under the guidelines. For these reasons, defendant's motion will be denied.

In view of this disposition of defendant's motion, the motion of the public defender to withdraw will be granted. Accordingly,

IT IS ORDERED:

1) Defendant's motion for modification or reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) is denied.

2) The motion to withdraw filed by Shannon P. O'Connor and the Office of the Federal Public Defender for the District of Nebraska is granted.

DATED this 26th day of March, 2008.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court